

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Revision of the Commission's
Rules to Ensure Compatibility
With Enhanced 911 Emergency
Calling Systems

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CC Docket No. 94-102

To: The Federal Communications Commission

**TEXAS ADVISORY COMMISSION ON STATE EMERGENCY COMMUNICATIONS',
TEXAS EMERGENCY COMMUNICATION DISTRICTS', AND THE NATIONAL
ASSOCIATION OF STATE NINE-ONE-ONE ADMINISTRATORS' REPLY COMMENTS**

The Texas Advisory Commission on State Emergency Communications ("TX-ACSEC"), certain Texas Emergency Communication Districts,¹ and the National Association of State Nine-One-One Administrators ("NASNA"), hereinafter referred to collectively as the "Joint 9-1-1 Agency Commentors," file these reply comments in response to the Federal Communications Commission's ("Commission's or FCC's") public notice (DA 99-1049) requesting targeted comments on wireless E9-1-1 Phase II Automatic Location Identification ("ALI") requirements.

¹ TX-ACSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The certain Texas Emergency Communication Districts are Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, 9-1-1 Network of East Texas, DENCO Area 9-1-1 District, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Montgomery County Emergency Communication District, Nortex 9-1-1 Communication District, Potter-Randall County Emergency Communications District, Tarrant County 9-1-1 District, and Texas Eastern 9-1-1 Network. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

I.

The recent FCC technology forum, as well as the initial filed comments, demonstrate that the various types of wireless E9-1-1 Phase II solutions (as well as hybrids of those solutions), have advantages and disadvantages that need to be evaluated cooperatively by both the wireless carriers and 9-1-1 agencies seeking to implement wireless E9-1-1 Phase II solutions.² It may turn out that a network-based or a handset-based solution ultimately emerges as a preferred Phase II solution of choice by both wireless carriers and 9-1-1 agencies. On the other hand, as noted by AT&T Wireless Services, "the best solution may turn out to be a combination of the two technologies."³

The responsibility for assessing the E9-1-1 level of service in a given particular area rests with the state and local government 9-1-1 agencies charged by law to administer 9-1-1 emergency service. 9-1-1 agencies take these responsibilities most seriously. The lives of citizens depend on these 9-1-1 agencies making decisions to best protect their public safety. In cases where a 9-1-1 agency is prepared for a network-based solution and has a reasonable cost recovery mechanism to implement that solution (such as perhaps in Harris County, Texas),⁴ the implications of granting waivers from the current deadline may be significantly different than where a 9-1-1 agency prefers to implement a handset-based technology solution (such as perhaps

² This is somewhat similar to the situation that exists for wireless Phase I solutions (e.g., CAS, NCAS, and Hybrid CAS/NCAS solutions). In Texas, wireless E9-1-1 Phase I implementation is now up and running in one part of the state and is scheduled to be up and running in more than 75% of Texas within a year. 9-1-1 agencies and wireless carriers should not let the current waiver debate detract from staying focused on the success of the FCC Order in CC Docket No. 94-102, and continued Phase I implementations that will become foundations for Phase II implementations.

³ See, Comments of AT&T Wireless Services filed on June 17, 1999.

⁴ See, Comments of the Texas Advisory Commission on State Emergency Communications, et al. filed on June 18, 1999.

in King County, Washington).⁵ BellSouth points out that the current FCC rules may already appropriately address this situation:

Like Phase I, Phase II implementation will depend upon PSAP readiness for location information. Because the cost and complexity of Phase II implementation will be much greater than Phase I implementation, it is unlikely that many PSAPs will be ready for Phase II ALI on October 1, 2001. In this regard, rather than adopt arbitrary deadlines established specifically for the deployment of location-capable handsets, the implementation of handsets should be dependent upon PSAP demand for Phase II ALI⁶

BellSouth's point deserves more consideration. The waiver issue and the current debate may be a moot issue because it is addressed by the structure of the current FCC rules that require a 9-1-1 agency request, 9-1-1 agency readiness, and a reasonable cost recovery mechanism.⁷

To the extent that the FCC is inclined to grant waivers from the Phase II requirements in the current rule, the FCC should carefully evaluate the "implications" based on the given situation and define an appropriate limited scope for such waivers. There is a serious concern with granting waivers that allow wireless carriers to extend the implementation date for the Phase II ALI requirements because such waivers could delay the ability of Public Safety Answering Points ("PSAPs") to identify the location of 9-1-1 calls, which is essential for the rapid and accurate dispatch of emergency personnel.⁸

Based on the responsibility of the 9-1-1 agencies to ensure the appropriate level of E9-1-1

⁵ See, Comments of the King County E911 Program filed on June 15, 1999.

⁶ See, Comments of BellSouth filed on June 17, 1999.

⁷ A reasonable question that should be asked (such as in the case of King County, Washington) is why waivers would be necessary when a 9-1-1 agency and wireless carriers are working together cooperatively toward a handset-based solution. If the 9-1-1 agencies and wireless carriers are working cooperatively toward implementing a handset-based solution that is not yet ready for deployment, then the three conditions to create an obligation on wireless carriers would not have been satisfied and there should be no need for waivers.

⁸ See, Comments of the Association of Public-Safety Communications Officials-International, Inc. ("APCO") filed on June 18, 1999.

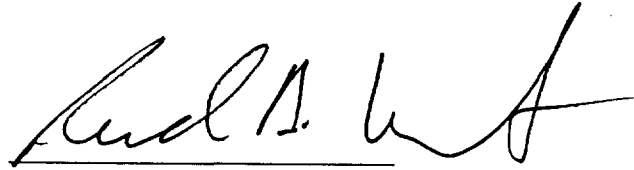
service in a given area and the recognition and incorporation of this responsibility in the current FCC rules, there should be a strong presumption to maintain the status quo of the current rules except in true exceptional situations. Regardless of any real or perceived differences of opinion on the waiver issue between APCO, NENA, or various 9-1-1 agencies around the nation, the serious concerns that APCO, NENA, and some 9-1-1 agencies have expressed with simply permitting wireless carriers to extend the current deadline justify the FCC proceeding prudently before permitting waivers of the current rules. Waivers should be limited to exceptional situations where such waivers make sense for wireless carriers, 9-1-1 agencies, and, most importantly, the public.

II.

CONCLUSION

The current FCC rules recognize the responsibility of the 9-1-1 agencies for the level of E9-1-1 service in a given area and for them to work cooperatively with the wireless carriers in implementing Phase I and Phase II solutions in a manner that best serves the public. The Joint 9-1-1 Agency Commentors urge the FCC to permit waivers only in a manner that does not simply delay implementing wireless E9-1-1 Phase II solutions for an area prepared to implement a Phase II solution in accordance with the current FCC rules. Because the current FCC rules require a 9-1-1 agency request, 9-1-1 agency readiness, and a reasonable cost recovery mechanism, the waiver issue and the current debate may be a moot issue.

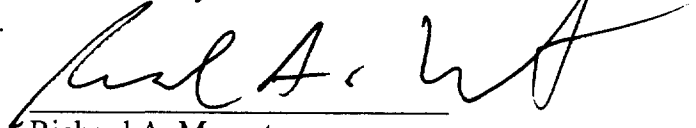
Respectfully submitted,



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Certificate of Service

I certify that a copy of these comments is being served on or before July 2, 1999 by regular or overnight mail, fax or via e-mail on the Commission Secretary and the Parties whose initial comments are referenced in these reply comments.



Richard A. Muscat

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